UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
AIR AND RADIATION DIVISION
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

FEB 25 2013

MEMORANDUM

SUBJECT: Final Title V Permit to Operate Administrative Amendment for Treasure Island Resort and Casino (In Indian Country)

FROM: George T. Czerniak
Director
Air and Radiation Division

TO: Susan Hedman
Regional Administrator

NRG Reliability Solutions, LLC, owns and operates four existing internal combustion diesel engines that are used for electricity production at Treasure Island Resort & Casino in Red Wing, Minnesota. The engines produce electricity for peak load management and backup power.

The attached final Title V permit is an administrative amendment changing the owner and operator of the facility to NRG Reliability Solutions, LLC. It authorizes NRG Reliability Solutions, LLC, to operate the four diesel engines.

The Air and Radiation Division (ARD) recommends that the final permit be signed and returned to the division based on the following:

- A public notice and comment period is not required because this permit is an administrative amendment to an existing part 71 permit;
- The Office of Regional Counsel and ARD have completed a review of the permit; and,
- The EPA is not aware of any pending enforcement issues at this facility.

Please note that the issue date listed on the Title V permit cover page has been intentionally left blank and will be completed after signature.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 22 2013

Phil Kairis, Vice President
NRG Reliability Solutions, LLC
17685 Juniper Path, Suite 301
Lakeville, Minnesota 55044

Dear Mr. Kairis:

On December 20, 2012, the U.S. Environmental Protection Agency received your letter requesting an administrative modification to the Part 71 operating permit for Treasure Island Resort and Casino to change the name of the owner and operator in the permit from NRG Backup Generation Services to NRG Reliability Solutions, LLC.

Please find enclosed an amended part 71 operating permit and statement of basis incorporating the name change, as requested. EPA amended the permit pursuant to 40 C.F.R. § 71.7(d), which allows for minor administrative changes to operating permits without notice to the public or affected states.

Please post the amended permit at the facility and distribute it to staff members responsible for ensuring compliance with the conditions and limitations established in the permit. If you have any questions regarding this matter, please contact Michael Langman, of my staff, at (312) 886-6867.

Sincerely,

Susan Hedman
Regional Administrator

Enclosures

United States Environmental Protection Agency
Region 5
Air Programs Branch
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

AIR POLLUTION CONTROL TITLE V PERMIT TO OPERATE

Permit Number: V-PI-2704900084-2012-11 Expiration Date: 12/26/2017

Issue Date: FEB 25 2013 Effective Date: 12/26/2012

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

NRG Reliability Solutions, LLC
Lakeville, Minnesota

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location:

Treasure Island Resort & Casino
Prairie Island Indian Community
Red Wing, Minnesota

Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

Susan Hedman
Regional Administrator
U. S. EPA - Region 5

2-25-13
Date

George T. Czerniak
Director
Air and Radiation Division
U. S. EPA - Region 5

2/13/13
Date

TABLE OF CONTENTS

Section:		Page:
1.0	**Source Identification and Unit-Specific Information** A. General Source Information B. Source Emission Points C. Potential Emissions	1
2.0	**Unit-Specific Operating Conditions- Internal Combustion Engines** A. Emission Limitations and Standards B. Monitoring and Testing Requirements C. Recordkeeping and Reporting Requirements	2
3.0	**Facility-Wide Permit Conditions** A. General Part 71 Recordkeeping Requirements B. General Part 71 Reporting Requirements C. Permit Shield D. Performance Testing E. Credible Evidence	10
4.0	**Part 71 General Permit Requirements** A. Definitions B. Annual Fee Payment C. Compliance Statement D. Compliance Certifications E. Schedule of Compliance F. Duty to Provide and Supplement Information G. Enforceability H. Submissions I. Severability Clause J. Permit Actions K. Administrative Permit Amendments L. Minor Permit Modifications M. Significant Permit Modifications N. Reopening for Cause O. Property Rights P. Inspection and Entry Q. Emergency Provisions R. Off-Permit Changes S. Permit Expiration and Renewal T. Emissions Trading U. Acid Rain Permit Provisions V. Operational Flexibility	16

Abbreviations and Acronyms

BHP	Brake Horsepower
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.
CAM	Compliance Assurance Monitoring
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
EPA	United States Environmental Protection Agency, Region 5
EU	Emission Unit
Facility	Treasure Island Resort & Casino
gal	gallon
g	grams
HAP	Hazardous Air Pollutant
hg	mercury
hr	hour
Id No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
Mg	megagram
MMBtu	million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_2	Nitrogen Dioxide
NOx	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
O_2	Oxygen
Owner/Operator	NRG Reliability Solutions, LLC
Permittee	NRG Reliability Solutions, LLC
PM	Particulate Matter
PM10	Particulate matter less than 10 microns in diameter
ppm	parts per million
ppmvd	parts per million, volumetric dry
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
SO_2	Sulfur Dioxide
tpy	tons per year
VOC	Volatile Organic Compounds

1.0 SOURCE IDENTIFICATION AND UNIT-SPECIFIC INFORMATION

(A). General Source Information

Parent Company:

NRG Reliability Solutions, LLC
17685 Juniper Path, Suite 301
Lakeville, Minnesota 55044

Facility:

Treasure Island Resort and Casino
5734 Sturgeon Lake Road
Red Wing, Minnesota 55066

County: Goodhue

U.S. EPA Region: 5

Reservation: Prairie Island Indian Community

Tribe: Prairie Island Indian Community

SIC Code: 4911, Electric Services

AFS Plant Id No.: 27 049 00084

Description of Process: NRG Reliability Solutions, LLC, owns and operates four internal combustion diesel-fired engines that serve the Treasure Island Resort and Casino. The electricity produced is used for peak load management and backup power for the resort and casino. Electricity is not sold for distribution.

(B). Source Emission Points

Emission Unit ID No.	Description	Model	Heat Input (MMbtu/hr)	Date Installed
EU-01	Internal Combustion Engine (diesel fired)	Caterpillar 3516B	16.76	5/25/01
EU-02	Internal Combustion Engine (diesel fired)	Caterpillar 3516B	16.76	5/25/01
EU-03	Internal Combustion Engine (diesel fired)	Caterpillar 3516B	16.76	5/25/01
EU-04	Internal Combustion Engine (diesel fired)	Caterpillar 3516B	16.76	5/25/01

(C). Potential Emissions

Potential Emission Rates	VOC	NOx	CO	PM	PM10	SO_2	HAPs
Potential hourly emissions per engine (lb/hr)	1.16	37.44	3.05	0.87	0.72	0.91	0.025
Total potential emissions – 4 engines (lb/hr)	4.64	149.76	12.20	3.48	2.86	3.65	0.100
Total potential emissions – 4 engines (tpy)	20.32	655.95	53.44	15.24	12.53	15.97	0.438
Limited potential emissions – 4 engines (tpy)	0.29	41.18	3.36	0.96	0.79	1.00	0.027

2.0 UNIT-SPECIFIC OPERATING CONDITIONS

(A). Emission Limitations and Standards [40 C.F.R. § 71.6(a)(1)] The Permittee shall comply with the following requirements:

1. Nitrogen Oxide PSD BACT Limitations:

   i. Total nitrogen oxide (NOx) emissions from each engine shall not exceed 6.55 g/BHP-hr per engine, expressed as NO_2, averaged over the duration of the emission performance test or any three consecutive hours. [Condition 4.1.a of PSD-PI-R50003-00-01]

   ii. Total NOx emissions from each engine shall not exceed 37.44 lb/hr per engine, expressed as NO_2, averaged over the duration of the emission performance test or any three consecutive hours. [Condition 4.1.b of PSD-PI-R50003-00-01]

iii. Total NOx emissions from each engine shall not exceed 10.30 tpy per engine, expressed as NO_2, based on a 12-consecutive month rolling sum, with compliance determined at the end of each month. [Condition 4.1.c of PSD-PI-R50003-00-01]

2. Total operating hours of each engine shall not exceed 550 hrs/year, based on a 12-month rolling sum, with compliance determined at the end of each month. [Condition 4.1.d of PSD-PI-R50003-00-01]

3. The Permittee shall operate the turbocharger and aftercooler at all times that any of the engines (EU-01, EU-02, EU-03 or EU-04) are in operation. [Condition 4.1.e of PSD-PI-R50003-00-01]

4. The Permittee shall maintain lean burn combustion conditions at all times that any of the engines are in operation. [Condition 4.1.e and 4.1.h of PSD-PI-R50003-00-01]

5. The Permittee shall maintain the aftercooler return water temperature for each engine at less than or equal to 140 degrees Fahrenheit. [Condition 4.1.f of PSD-PI-R50003-00-01]

6. The Permittee shall maintain the intake manifold pressure of each engine at 28.1 to 76.2 inches of Hg and 40 to 100 percent load. [Condition 4.1.i of PSD-PI-R50003-00-01]

7. The Permittee shall retard engine timing at all times for each engine such that the injection of fuel into the engine is delayed. The flash file program #180-1736, which electronically controls each engine, shall be set for retard engine timing. The Permittee shall contact the EPA before modifying any parameters pertaining to retarding engine timing for any engine. [Condition 4.1.k and 4.1.1 of PSD-PI-R50003-00-01]

8. The Permittee shall burn in the engines diesel fuel that meets the following standards [40 C.F.R. §§ 63.6604 and 80.510(b)]:

   i. Sulfur content: 15 ppm maximum

   ii. A minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.

9. At all times, including start-up, shut-down, and malfunction, the Permittee shall, to the extent practicable, maintain and operate all sources including associated air pollution control equipment regulated by this permit, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance practices are being used is based

on information available to the EPA, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspections of the facility. In addition, the Permittee shall comply with the following: [Section 3.0 of PSD-PI-R50003-00-0l, 40 C.F.R. § 63.6605]

i. The Permittee shall develop and provide to each facility operator training to orient staff as to the applicable terms and conditions of this permit. The Permittee shall maintain onsite a log of the time, date, and place, and a list of attendees for, each training session. The Permittee shall maintain at the facility and make available to an authorized EPA representative, upon request, a copy of the training materials presented in the training sessions.

ii. The Permittee shall develop and implement standard operation and maintenance (O&M) procedures for each emission unit listed in this permit. A copy of the procedures shall be readily available to the operators maintaining each emission unit, and authorized EPA representatives.

iii. The Permittee shall keep a copy of this permit on file at the facility at all times.

10. Carbon Monoxide (CO) Concentration or Reduction:

i. The Permittee shall limit the concentration of CO in the exhaust to 23 ppmvd at 15 percent O_2 or reduce CO emissions by 70% or more at all times except during periods of startup. [40 C.F.R. § 63.6603(a), Table 2d to 40 C.F.R. Part 63, Subpart ZZZZ]

ii. The Permittee shall comply with the CO concentration or reduction limit no later than May 3, 2013 unless EPA grants an extension according to the provisions of 40 C.F.R. § 63.6(i). [40 C.F.R. § 63.6595(a)(1)]

iii. The Permittee will have demonstrated initial compliance if the average CO concentration or average reduction of emissions of CO determined from the initial performance test required in Condition 2.0(B).6 achieves the required CO concentration or CO percent reduction. [40 C.F.R. § 63.6630(a), Table 5 to 40 C.F.R. Part 63, Subpart ZZZZ]

iv. The Permittee shall demonstrate continuous compliance if performance testing conducted as required in Condition 2.0(B).7 shows that the CO emissions concentration or reduction meets the concentration or percent reduction as required Condition 2.0(A).10.(i) of this permit. [40 C.F.R. § 63.6640(a), Table 6 to 40 C.F.R. Part 63, Subpart ZZZZ]

11. The Permittee shall minimize each engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe

loading of the engine, not to exceed 30 minutes, after which time the CO emission limitation in Condition 2(A).10.i of this permit applies. [40 C.F.R. § 63.6625(h)]

(B). Monitoring and Testing Requirements [40 C.F.R. § 71.6(a)(3)(i)(A) through (C)]

1. Periodic NOx Performance Testing. The Permittee shall conduct a NOx performance test every five calendar years, starting three years after the initial compliance test conducted on August 7, 2001, to determine compliance with the emission limits in condition 2.0(A)(1). [Section 5 of PSD-PI-2704900084-2012-02]

    i. In accordance with Condition 4.1.n of PSD-PI R50003-00-01, the Permittee shall determine the NOx emission rate, expressed as NO_2, using the exhaust properties determined by EPA Method 19 and exhaust gas measurements specified in Sections 5 and 6 of PSD-PI-R50003-00-0l.

    ii. The Permittee shall complete testing in accordance with the performance testing requirements in condition 3.0 (F).

2. Annual NOx Testing. The Permittee shall measure NOx emissions annually using a portable emissions analyzer to determine compliance with the emissions limits in Condition 2.0(A)(1). [40 C.F.R. § 71.6(c) (1), Condition 6 of PSD-PI-R50003-00-0l]

    i. The Permittee shall use the portable emissions analyzer according to the portable electrochemical analyzer procedure in attachment 2 of PSD-PI-R50003-00-0l.

    ii. This requirement does not apply during the calendar years in which a performance test is required, only during years between the periodic performance tests.

    iii. Representative Testing Conditions. Annual testing using a portable emissions analyzer shall be conducted under conditions specified by the EPA based on representative operating conditions of the affected emission unit(s). The Permittee shall make available to the EPA such records as may be necessary to determine the conditions of annual testing using the portable emissions analyzer. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for such annual testing.

    iv. Operating Conditions. The Permittee shall conduct all measurements for all emission units at worst case operating (non-malfunction) conditions for each air pollutant that is required to be tested unless:

(a). The applicable requirement or compliance document specifies alternative operating conditions for annual testing using a portable emissions analyzer; or

(b). The worst case condition is not known or calculable. In this case, worst case conditions shall be assumed to be the maximum achievable process or operating rate of the emissions unit.

v. Measurement Cycles. Each test shall consist of at least four, but no more than six, 15-minute measurement cycles. For the purpose of determining compliance with the applicable standard, the Permittee shall add the results of all measurement cycles and divide the sum by the number of measurement cycles to arrive at an average emission rate. The Permittee will use the result as one basis for determining compliance with the emission limit specified in this permit. In the event that a sample is accidentally lost or conditions occur in which one of the measurement cycles must be discontinued because of forced shutdown, extreme meteorological conditions, or other circumstances beyond the Permittee's control, EPA may, in its sole discretion, determine compliance using the arithmetic mean of the results of the non-damaged measurement cycles.

3. The Permittee shall continuously monitor the aftercooler water temperature for each engine. The Permittee shall control the temperature via thermostatic valves that maintain a return water temperature of 140 degrees Fahrenheit. [Condition 4.1.g of PSD-PI-R50003-00-01]

4. The Permittee shall continuously monitor the intake manifold pressure of each engine. [Condition 4.1.j of PSD-PI-R50003-00-0l]

5. Upon request by the EPA, the Permittee shall conduct performance tests for any or all of the following pollutants: sulfur dioxide, particulate matter, volatile organic compounds, CO, and any combination of hazardous air pollutants. The EPA may use the results of any performance tests or any other credible evidence to determine whether the actual emission levels of the above pollutants exceed the limited potential emission estimates listed in Condition 1.0(C). The Permittee shall use applicable test methods in Appendix A of 40 C.F.R. Part 60 or any other method approved by EPA for conducting any performance tests for the above pollutants. [Condition 4.1.p of PSD-PI-R50003-00-0l and 62 Fed. Reg. 8314 (Feb. 27, 1997)]

6. The Permittee shall conduct an initial CO compliance test according to condition 2.0(B).8 or condition 2.0(B).9 of this permit within 180 days of May 3, 2013 unless EPA grants an extension according to the provisions of 40 C.F.R. § 63.6(i). [40 C.F.R. § 63.6612(a)]

7. The Permittee shall conduct a CO performance test every 8,760 hours or 3 years, whichever comes first. [40 C.F.R. § 63.6615, Table 3 to 40 C.F.R. Part 63, Subpart ZZZZ]

8. If the Permittee is complying with the CO reduction requirement in condition 2.0(A).10.i of this permit then the Permittee shall measure the O_2 and CO at the inlet and the outlet of the control device using a portable CO and O_2 analyzer according to ASTM D6522-00 (2005) or, for CO, EPA Method 10 of 40 C.F.R. Appendix A. Measurements to determine O_2 must be made at the same time as the measurements for CO concentration. The CO concentration must be at 15 percent O_2, dry basis. [40 C.F.R. § 63.6612(a), 40 C.F.R. § 63.6620(a), Table 4 to 40 C.F.R. Part 63, Subpart ZZZZ]

9. If the Permittee is complying with the CO concentration requirement in Condition 2.0(A).10.i of this permit then the Permittee shall do the following: [40 C.F.R. § 63.6612(a), 40 C.F.R. § 63.6620(a), Table 4 to 40 C.F.R. Part 63, Subpart ZZZZ]

    i. Select the sampling port location and the number of traverse points using Method 1 or 1A of 40 C.F.R. Part 60, Appendix A;

    ii. Determine the O_2 concentration of the stationary RICE exhaust at the sampling port location using Method 3 or 3A or 3B of 40 C.F.R. Part 60 Appendix A, or ASTM Method D6522-00 (2005);

    iii. Measure moisture content of the stationary RICE exhaust at the sampling port location using Method 4 of 40 C.F.R. Part 60, Appendix A, or Test Method 320 of 40 C.F.R. Part 63, Appendix A, or ASTM D 6348-03; and

    iv. Measure CO at the exhaust of the stationary RICE using Method 10 of 40 C.F.R. Part 60, Appendix A, ASTM Method D6522-00 (2005), Method 320 of 40 C.F.R. Part 63, Appendix A, or ASTM D6348-03. CO concentration must be at 15 percent O_2, dry basis. Results of this test consist of the arithmetic average of the three 1-hour or longer runs.

10. The Permittee shall provide notice of intent to conduct a CO performance test under condition 2.0(B).8 or condition 2.0(B).9 of this permit at least 60 calendar days before the performance test is initially scheduled to begin to allow EPA, upon request, to review and approve the site-specific test plan required under condition 2.0(B).11 and to have an observer present during the test. In the event the Permittee is unable to conduct the performance test on the date specified due to unforeseeable circumstances beyond his or her control, the Permittee shall notify the Administrator as soon as practicable and without delay prior to the scheduled performance test date, and specify the date when the performance test is rescheduled. [40 C.F.R. §§ 63.6645, 63.7(b)]

11. Before conducting a performance test required by condition 2.0(B).8 or condition 2.0(B).9 of this permit, the Permittee shall develop and, if requested by EPA, shall submit a site-specific test plan for approval at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intent to conduct a performance test required under condition 2.0(B).10 of this permit. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and analysis of replicate samples. The internal QA program shall include, at a minimum, the activities planned by the routine operators and analysts to provide an assessment of test data precision. [40 C.F.R. §§ 63.6645, 63.7(b) and (c)]

(C). <u>Recordkeeping and Reporting Requirements</u> [40 C.F.R. § 71.6(c) (3)]

1. Within 45 days of completion of a NOx performance or annual test or within 60 days of completion of a CO performance test, the Permittee shall submit a written report to the EPA detailing the results of each test [Conditions 5 and 6 of PSD-PI-R50003-00-01, 40 C.F.R. 63.7(g)(1)]

2. The Permittee shall maintain records, including printouts of digital readouts, gauges, or meters, for times in which the flash file program #180-1736 is modified and any times in which retard engine timing parameters have been changed. [Condition 4.1.m of PSD-PI-R50003-00-01]

3. The Permittee shall certify that all electronic controls are set for low emission strategy. [Condition 4.l.o of PSD-PI-R50003-00-0l]

4. In accordance with the recordkeeping requirements listed in Section 7 of PSD-PI-R50003-00-0l, the Permittee shall maintain a file of the records that are required to be retained by this permit at the facility. Records include, but are not limited to, all calibration and maintenance records, all original continuous monitoring instrumentation data, and copies of all reports required by this permit. Monitoring records include, but are not limited to:

    i. The aftercooler return water temperature, intake manifold pressure, and any changes to flash file program #180-1736 for all emission units;
    ii. Hours of operation for all emission units;
    iii. Performance test data and results;
    iv. Results of annual testing from the portable emissions analyzer;
    v. Reports of excess emissions;
    vi. Changes requiring notification to EPA under this section;
    vii. Calibration and maintenance records, original strip charts, or computer-based recordings;
    viii. Sampling dates and the times of sampling or measurement;

ix. The operating conditions that existed at the time of sampling or measurement;
x. The dates analyses were performed;
xi. The location where samples were taken;
xii. The company or entity that performed the sampling and analyses;
xiii. The analytical techniques or methods used in the sampling and analyses;
xiv. The results of the analyses; and
xv. Occurrence and duration of any startup, shutdown, or malfunction in the operation of EU 01, 02, 03, and/or 04 or the facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

5. For each engine the Permittee must submit a compliance report semiannually. The first compliance report must cover the period beginning May 3, 2013, and ending June 30, 2013. The first compliance report must be postmarked or delivered to EPA no later than July 31, 2013. Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. Each subsequent compliance report must be postmarked or delivered to EPA no later than July 31 or January 31, whichever date is the first following the end of the semiannual reporting period. Each report must contain the following: [40 C.F.R. § 63.6650, Table 7 to 40 C.F.R. Part 63, Subpart ZZZZ]

i. The compliance report must contain the Permittee's name and address, a statement by a responsible official with that officials name, title, and signature certifying the accuracy of the content of the report, and the date of the report and beginning and ending dates of the reporting period.

ii. If there are no deviations from the emission limitations listed in condition 2.0(A).10.i of this permit during the operating period then the Permittee must include in the report a statement that there were no deviations from the emission limitations during the reporting period.

iii. If there are deviations from the emission limitations listed in condition 2.0(A).10 of this permit during the reporting period, the report must contain the total operating time of the engine at which the deviation occurred during the reporting period and information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

iv. If malfunctions occurred during the reporting period then the report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or

operator during a malfunction of an affected source to minimize emissions in accordance with Condition 2.0(A).9.

6. The Permittee shall maintain a copy of each semiannual compliance report, records of the occurrence and duration of each malfunction in monitoring equipment, records of performance tests, records of all required maintenance performed on the monitoring equipment, and records of actions taken during periods of malfunction to minimize emissions. All records required in this condition shall be kept readily available for expeditious review for five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 C.F.R. §§ 63.6655, 63.6660]

3.0 FACILITY-WIDE PERMIT CONDITIONS

Conditions in this section of the permit apply to all emissions units located at the facility. [40 C.F.R. § 71.6(a)]

(A). General Part 71 Recordkeeping Requirements [40 C.F.R. § 71.6(a)(3)(ii)]

1. The Permittee shall keep records of required monitoring information that include the following:

   i. The date, place, and time of sampling or measurements;
   ii. The date(s) analyses were performed;
   iii. The company or entity that performed the analyses;
   iv. The analytical techniques or methods used;
   v. The results of such analyses; and
   vi. The operating conditions as existing at the time of sampling or measurement.

2. The Permittee shall retain records of all required monitoring data and support information for a period of at least five calendar years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(B). General Part 71 Reporting Requirements [40 C.F.R. § 71.6(a)(3)(iii), 62 Fed. Reg. 8314 (February 24, 1997)]

1. The Permittee shall submit to the EPA semi-annual reports of any required monitoring for each six-month reporting period from January 1 to June 30, and from July 1 to December 31, except that the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to the EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements

must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition 4.0(H)(1) of this permit. [40 C.F.R. § 71.6(a)(3)(iii)(A) and (B)]

i. A monitoring report under this section must include the following:

(a). The company name and address;
(b). The beginning and ending dates of the reporting period;
(c). The emissions unit or activity being monitored;
(d). The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;
(e). All instances of deviations from permit requirements whether demonstrated by referenced test method, monitoring, or through any other credible evidence, including those attributable to upset conditions as defined in this permit, and the date on which each deviation occurred and, at the source's discretion, either the total duration of deviations indicated by such monitoring or the actual records of deviations;
(f). The total time when monitoring required by this permit was not performed during the reporting period;
(g). All other monitoring results, data, or analyses required to be reported by the applicable requirement; and
(h). The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.

ii. Any report required by an applicable requirement that provides the same information described in condition 3.0(B)(1)(a) through (h), above, shall satisfy the requirement under (B)(1).

iii. Deviation means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data, obtained from any testing, monitoring, or record keeping established in accordance with 40 C.F.R. § 71.6(a) (3) (i) and (a) (3) (ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. The meaning of deviation includes, but is not limited to, any of the following: [40 C.F.R. § 71.6(a)(3)(iii)(C)]

(a). A situation when emissions exceed an emission limitation or standard;
(b). A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; and

(c). A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.

2. The Permittee shall promptly report to the EPA deviations from permit requirements, including those attributed to malfunction, emergency or other upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows: [40 C.F.R. § 71.6(a)(3) (iii) (B)]

   i. Any definition of "prompt" or specific timeframe for reporting deviations provided in an underlying applicable requirement (as identified in this permit); or

   ii. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations shall be submitted based on the following schedule:

      (a). For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue in excess of permit requirements for more than an hour, the report must be made within 24 hours of the occurrence.
      (b). For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue in excess of permit requirements for more than two hours, the report must be made within 48 hours.
      (c). For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph (1) of this section.

3. If any of the conditions in Condition 3.0(B) (2) (ii) (a) through (c) above are met, the source must notify the EPA by telephone or facsimile based on the timetable listed in that subsection. The Permittee must submit a written notice, certified consistent with Condition 3.0(B) (4) within 10 working days of the occurrence. The Permittee also must identify all deviations reported under this section in the semi-annual report required under paragraph (1) of this section.

4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [40 C.F.R. § 71.5(d)]

(C). Permit Shield [40 C.F.R. § 71.6(f)]

1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and specifically identified in this permit.

2. Nothing in this permit shall alter or affect the following:

   i. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section;

   ii. The liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance; or

   iii. The ability of the EPA to obtain information under Section 114 of the CAA.

(D). Performance Testing [40 C.F.R. § 71.6(a) (3) (i) and Section 5 of PSD-PI-R50003-00-01]

1. Testing Notification. Written notification of the planned test date shall be postmarked or received by the EPA at least 30 days before the planned test date for NOx performance testing and at least 60 days before the planned test date for CO performance testing. The EPA shall reject the results of a test if less than 30 days notice is given for a NOx performance test or less than 60 days notice is given for a CO performance test unless EPA has provided a written authorization for a shorter notice. [40 C.F.R. § 63.6645(g)]

2. Test Plans. Within 60 days after receiving a request, and at least 30 days before the scheduled date of any tests, the Permittee shall submit a complete plan for conducting the source tests to the EPA for approval. Failure to submit a complete plan shall not alter the date by which any test is required.

3. Approval of Test Plan. If the proposed test plan does not contain sufficient or accurate enough detail to ensure that the performance test meets the requirements of the applicable requirement or compliance document, EPA may reject the plan, and the Permittee must address any of EPA's comments on revisions and additions that are necessary to make the plan complete.

4. The Permittee shall submit the test plan in the following format and include the following elements:

   Part I. General information:

   i. Name and address of facility;

ii. Name, title, telephone number, and facsimile number of contact person at facility;
iii. Permit number or name of other applicable compliance document;
iv. Reason for testing;
v. Schematic drawing of stack and sample ports;
vi. Location of facility; and
vii. Name, contact person, telephone number, and facsimile number for testing company contracted to conduct the test.

Part II. Testing requirements:

i. List of the emission units, as identified in the applicable requirement or compliance document, and pollutants to be tested, the emission limit for each pollutant, and the applicable rule or regulation for each emission limit; and
ii. Description of procedure for fuel sampling and analysis, where applicable.

Part III. Operating conditions:

i. List of the process or operating rate and conditions of the process equipment and air pollution control equipment for the test;
ii. List of the range of process or operating rates for each emissions unit; and
iii. Description of how air pollution control and process equipment will be monitored.

Part IV. Test methods:

i. List of the methods to be used to determine the emission rate of each pollutant;
ii. Number of test runs, length of test run, and sampling rate for each method;
iii. Reference to any applicable requirement or compliance document requiring use of specific methods or procedures;
iv. Summary of reasons for proposing to use any alternative or equivalent method; and
v. For test methods other than reference methods, statement of the detection limit and the degree of accuracy of that method at the expected emission rate and under the conditions of the performance test.

5. Operating Conditions for Performance Testing. The Permittee shall conduct all performance tests at worst case operating (non-malfunction) conditions for all emission units for each air pollutant that is required to be tested unless:

i. The applicable requirement or compliance document specifies alternative operating conditions for performance testing; or

ii. The worst case condition is not known or calculable. In this case, worst case conditions shall be assumed to be the maximum achievable process or operating rate of the emissions unit.

6. Test Runs. Unless otherwise specified by the applicable Reference Test Method, each performance test shall consist of three separate runs. For the purpose of determining compliance with an applicable standard, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the Permittee's control, compliance may, upon the EPA's approval, be determined using the arithmetic mean of the results of the two other runs.

7. Failure to demonstrate compliance. Upon the EPA's written notice that the facility has failed to demonstrate compliance with an applicable emission limit, the Permittee, unless an alternative schedule is given in an applicable requirement or compliance document, shall:

   i. Submit to the EPA written notice of retesting, submit a test plan for the retest, and schedule a pretest meeting at least 21 days in advance of the date of the retest. The pretest meeting shall be held at least seven days prior to the date of the retest, except that a shorter period shall be allowed if the EPA is able to accommodate such a request for a meeting;

   ii. Conduct a retest within 30 days of receipt of the EPA written notice; and

   iii. Submit a complete report of the results of the retest within 45 days after completion.

8. The Permittee may receive an extension to the schedule if one of the following special circumstances applies:

   i. Seasonal or temporary shutdown of the affected emissions units;
   ii. Malfunction or breakdown of the affected emissions units, unless the EPA determines that a retest under such conditions is warranted in order to determine the effect of the malfunction or breakdown on emissions or where such conditions are representative of past operation of the emissions units;
   iii. Weather conditions that prevent using the applicable test methods or prevent operation of the affected emission units at the required operating conditions;
   iv. Any other conditions beyond the control of the Permittee that prevent using the applicable test methods or prevent operation of the affected emissions units at the required operating conditions; or

v. Any other condition beyond the control of the Permittee that prevents completion of a retest within the required schedule.

9. Request for a Retest Extension. The Permittee shall submit to the EPA any request for an extension of the time schedule in writing prior to the date by which retesting is required. The request shall specify the reason why the extension is needed, and include an alternative retest schedule; however, the EPA shall not extend a retest date more than 30 days after the start-up, completion of maintenance, seasonal weather change, or other improvement in the special conditions listed in this section. If the EPA grants an extension, the Permittee shall implement the alternative retest schedule. A requested extension shall not be effective unless the EPA has given written approval of the extension. A retest date shall not be extended beyond 30 days.

10. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two hours of the start of the tests. Any operating adjustments made during a source test that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants may render the source test invalid.

11. Within 45 days after completion of a NOx performance or annual test and within 60 days after completion of a CO performance test, the Permittee shall submit a copy of the test results to the EPA.

4.0 PART 71 GENERAL PERMIT REQUIRENTS

(A). Definitions [40 C.F.R. § 71.2]

Terms and conditions have the meaning assigned to them in Part 71 unless the permit otherwise defines the terms or references other regulations or statutes.

(B). Annual Fee Payment [40 C.F.R. §§ 71.6(a)(7) and 71.9]

1. The Permittee shall pay an annual permit fee in accordance with the procedures outlined below. [40 C.F.R. § 71.9(a)]

2. The Permittee shall submit an annual report of its actual emissions for the preceding calendar year, a fee calculation work sheet (based on the report), and full payment of the annual fee each year. The Permittee shall submit the annual report and pay the annual permit fee each year on or before the anniversary date of its initial fee calculation work sheet, June 20th. The Permittee shall submit the annual report to:

EPA Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)

Air Permits Section
77 West Jackson Boulevard
Chicago, Illinois 60604

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

4. The Permittee shall send the fee payment and a completed fee filing form to:

For Regular U.S. Postal Service Mail

U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197-9000

For Non-U.S. Postal Service Express Mail

U.S. Bank
Government Lockbox 979078
U.S. EPA FOIA and Miscellaneous Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

5. The Permittee shall send to the address listed in condition 4.0(B)(2) of this permit a fee calculation worksheet and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment. (The Permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 C.F.R. § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.)

6. Basis for calculating annual fee:

   i. The Permittee shall calculate the annual emissions fee by multiplying the total tons of actual emissions of all regulated pollutants (for fee calculation) emitted from the source, including fugitive emissions by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

      (a). "Actual emissions" means the actual rate of emissions in tpy of any "regulated pollutant (for fee calculation)" emitted from a Part 71 source over the preceding calendar year. Actual emissions shall

be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [40 C.F.R. § 71.9(c)(6)]

(b). Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 C.F.R. § 71.9(h)(3)]

(c). If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures. [40 C.F.R. § 71.9(e)(2)]

(d). The term "regulated pollutant (for fee calculation)" is defined in 40 C.F.R. § 71.2.

(e). Prior to the start of each calendar year, the EPA will revise for inflation and make available the presumptive fee amount.

ii. The Permittee shall exclude the following emissions from the calculation of fees:

(a). The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year [40 C.F.R. § 71.9(c)(5)(i)];

(b). Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation [40 C.F.R. § 71.9(c)(5)(ii)]; and

(c). The quantity of actual emissions (for fee calculation) of insignificant activities defined in 40 C.F.R. § 71.5(c)(11)(i) or of insignificant emissions levels from emissions units identified in the Permittee's application pursuant to 40 C.F.R. § 71.5(c)(11)(ii). [40 C.F.R. § 71.9(c) (5) (iii)]

7. The Permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by the EPA and used by the Permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 C.F.R. § 71.6(a)(3)(ii). [40 C.F.R. § 71.9(i).]

8. Failure of the Permittee to pay fees in a timely manner shall subject the Permittee to assessment of penalties and interest in accordance with 40 C.F.R. § 71.9(i).

9. If notified by the EPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification. [40 C.F.R. § 71.9(j)(1) and (2)]

10. If the Permittee believes that the EPA assessed fee is in error and wishes to challenge such fee, the Permittee shall provide a written explanation of the

alleged error to the EPA along with full payment of the EPA assessed fee. [40 C.F.R. § 71.9(j)(3)]

(C). Compliance Statement [40 C.F.R. § 71. 6(a)(6)]

1. The Permittee must comply with all conditions of this Part 71 permit. Any noncompliance with this permit constitutes a violation of the CAA and is grounds for:

    i. Enforcement action;

    ii. Permit termination, revocation and reissuance, or modification; and/or

    iii. Denial of a permit renewal application.

2. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 C.F.R. § 71.6(a)(6)(ii)]

(D). Compliance Certifications [40 C.F.R. § 71.6(c)(5)]

1. The Permittee shall submit to the EPA a certification of compliance with all permit terms and conditions, including emission limitations, standards, or work practices for the reporting period from January 1 to December 31, except the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of each reporting period. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with condition 4.0(H)(1) of this permit. The certification shall include the following:

    i. Identification of each permit term or condition that is the basis of the certification;

    ii. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the Permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;

    iii. The compliance status of each term and condition of the permit, including whether monitoring data is continuous and whether that data or any other credible evidence shows the compliance is continuous. The certification

shall identify each deviation and take it into account in the compliance certification; and

iv. A statement indicating the compliance status of the source with any applicable enhanced monitoring and compliance certification requirements of the CAA.

(E). Schedule of Compliance [40 C.F.R. §§ 71.6(c)(3) and 71.5(c)(8)(iii)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

2. For applicable requirements that will become effective during the permit term, the source shall comply as required by the terms of the applicable requirement.

(F). Duty to Provide and Supplement Information [40 C.F.R. §§ 71.6(a)(6)(v) and 71.5(b)]

1. The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. Upon EPA's request, the Permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of this permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 C.F.R. Part 2, Subpart B.

2. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

(G). Enforceability [40 C.F.R. § 71.6(b)]

All terms and conditions in this permit, including any provisions designated to limit a source's potential to emit, are enforceable by the EPA and citizens in accordance with the CAA.

(H). Submissions [40 C.F.R. §§ 71.5(d), 71.6 and 71.9]

1. A responsible official of the Permittee shall certify as to the truth, accuracy, and completeness of any document required to be submitted by this permit. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true,

accurate, and complete. Except as otherwise noted, the Permittee shall submit all documents required to be submitted by this permit to:

EPA Region 5
Air and Radiation Division
Air Enforcement and Compliance
Assurance Branch (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

2. The Permittee shall submit copies of permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to installation of control equipment, replacement of an emissions unit, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

EPA Region 5
Air and Radiation Division
Air Permits Section
Air Programs Branch (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604

3. The Permittee shall submit all submittals that are required by the Acid Rain Program, 40 C.F.R. Parts 72 through 78 to:

U.S. Environmental Protection Agency
Clean Air Markets Division
Ariel Rios Building (6204J)
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460

(I). Severability Clause [40 C.F.R. § 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

(J). Permit Actions [40 C.F.R. § 71.6(a)(6)(iii)]

EPA may be modify, revoke, reopen and reissue, or terminate this permit for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(K). Administrative Permit Amendments

The Permittee may request the use of administrative permit amendment procedures for a permit revision in accordance with 40 C.F.R. § 71.7(d).

(L). Minor Permit Modifications

The Permittee may request the use of minor permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(1).

(M). Significant Permit Modifications

The Permittee must request the use of significant permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(3).

(N). Reopening for Cause [40 C.F.R. § 71.7(f)]

The EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the CAA become applicable to the source if the remaining permit term is 3 or more years.

2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

3. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

4. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(O). Property Rights [40 C.F.R. § 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

(P). Inspection and Entry [40 C.F.R. § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow EPA or an authorized representative to perform the following as authorized by the CAA:

1. Enter upon the Permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

4. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(Q). Emergency Provisions [40 C.F.R. § 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the Permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the Permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

    i. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;

    ii. The permitted facility was at the time being properly operated;

    iii. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

    iv. The Permittee submitted notice of the emergency to the EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

2. In any enforcement proceeding, the Permittee attempting to establish the occurrence of an emergency has the burden of proof.

3. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused

by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(R). Off-Permit Changes [40 C.F.R. § 71.6(a)(12)]

The Permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. The change is not addressed or prohibited by this permit;

2. The change must comply with all applicable requirements and may not violate any existing permit term or condition;

3. The change cannot be subject to any requirement of 40 C.F.R. Parts 72 through 78 or modifications under any provision of Title I of the CAA;

4. The Permittee must provide contemporaneous written notice to EPA of the change, except if the change qualifies as an insignificant activity under 40 C.F.R. § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted and any applicable requirements that would apply as a result of the change;

5. The permit shield does not apply to changes made under this provision; and

6. The Permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

(S). Permit Expiration and Renewal [40 C.F.R. §§ 71.5 (a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

1. This permit shall expire upon the earlier occurrence of the following events:

   i. Five years elapses from the date of issuance; or

   ii. The source is issued a Part 70 permit.

2. Expiration of this permit terminates the Permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six calendar months, but not more than eighteen calendar months, prior to the date of expiration of this permit.

3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 C.F.R. § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant

to 40 C.F.R. § 71.6(f) may be extended beyond the original permit term until renewal.

4. If the Permittee has submitted a timely and complete application for renewal, the Permittee's failure to have a Part 71 permit is not a violation of Part 71 until the EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State review, and tribal review.

6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

(T). Emissions Trading [40 C.F.R. § 71.6(a)(8)]

No Part 71 permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in a Part 71 permit.

(U). Acid Rain Permit Provisions [40 C.F.R. § 71.6(a)(4)]

The Permittee may not exceed any allowances that it lawfully holds under 40 C.F.R. Part 72 through 78.

(V). Operational Flexibility [40 C.F.R. § 71.6(a)(13)]

The Permittee may make changes within a permitted facility without a permit revision, provided the following conditions are met:

1. The changes are not modifications under any provision of Title I of the CAA;

2. The changes do not exceed the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions); and

3. The Permittee notifies the EPA at least seven days in advance of the proposed changes. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(W). Credible Evidence [62 Fed. Reg. 8314 (February 24, 1997)]

Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee and EPA) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.

STATEMENT OF BASIS
Air Pollution Control
Title V Permit to Operate
Permit No.: V-PI-2704900084-2012-11

The purpose of this document is to set forth the legal and factual basis for permit conditions, including references to applicable provisions of the Clean Air Act (CAA or Act) and implementing regulations. This document also gives the derivation of conditions as required by 40 C.F.R. § 71.11(b).

1.0 GENERAL INFORMATION

(A). Applicant and Stationary Source Information

Owner	Facility (SIC Code: 4911)
NRG Reliability Solutions, LLC 17685 Juniper Path, Suite 301 Lakeville, Minnesota 55044	Treasure Island Resort & Casino 5734 Sturgeon Lake Road Red Wing, Minnesota 55066 Prairie Island Indian Community

Responsible Official	Facility Contact
Phil Kairis (651) 341-2244	Vern Hollar (651) 341-2242

(B). Facility Description

Treasure Island Resort & Casino (the facility) is a hotel and gambling casino located on the banks of the Mississippi River on the Prairie Island Indian Community in Red Wing, Minnesota.

The U. S. Environmental Protection Agency issued an Air Quality Construction Permit (No. PSD-PI-R50003-00-01) to the facility on December 20, 2000, that allowed the construction of four internal combustion diesel engines and subjected the facility to the requirements of 40 C.F.R. Part 71. An initial Title V Permit to Operate was issued to the facility on February 23, 2004.

The facility commenced construction on the diesel engines on January 15, 2001. Energy Alternatives, Inc. owns and operates the engines which are installed northeast of the Treasure Island Resort & Casino at the Prairie Island Community Wastewater Treatment Facility. The engines produce electricity used for peak load management and backup power for the facility. The total generation capacity of the engines is 7.3 megawatts. Electricity generated at the facility is not sold for distribution.

On December 20, 2012, EPA received a letter from NRG Reliability Solutions, LLC, announcing that they have changed names from NRG Backup Generation Services to

Unit	Fuel Type	Emission Unit ID	Manufacturer/ Unit type	Date Installed	Maximum Design Heat Input (MMBtu/hr)
Internal Combustion Engine	Diesel	EU-01	Caterpillar 3516B	05/25/01	16.76
Internal Combustion Engine	Diesel	EU-02	Caterpillar 3516B	05/25/01	16.76
Internal Combustion Engine	Diesel	EU-03	Caterpillar 3516B	05/25/01	16.76
Internal Combustion Engine	Diesel	EU-04	Caterpillar 3516B	05/25/01	16.76

A 10,000-gallon underground diesel fuel tank is located adjacent to the building and is subject to underground storage tank regulations under the Resource Conservation and Recovery Act.

(B). Insignificant Activities

Unit/Activity	Basis
Crankcase blowby that vents organic compounds from the oil pan into the engine room	40 CFR 71.5(c)(11)(ii)(A)
Access road	40 CFR 71.5(c)(11)(ii)(A)

(C). Potential Emissions

Potential to Emit (PTE) Summary[a,b] Tons Per Year (tpy)							
Emission Unit	VOC[c]	NOx[d]	CO[d]	PM[d]	PM10[c,d]	SO_2[d]	Total HAPs[c]
EU-01	5.08	163.99	13.36	3.81	3.13	3.99	0.11
EU-02	5.08	163.99	13.36	3.81	3.13	3.99	0.11
EU-03	5.08	163.99	13.36	3.81	3.13	3.99	0.11
EU-04	5.08	163.99	13.36	3.81	3.13	3.99	0.11
Total PTE	**20.32**	**655.96**	**53.44**	**15.24**	**12.52**	**15.96**	**0.44**

[a] Calculations are based on 100 percent load and 8760 hours of operation per year.

[b] tons per year = emission factor (lb/hr) * 8760 hr/year * (1 ton/2000 lbs)

[c] Calculations are based on emission factors from EPA AP-42, Chapter 3.3 for large stationary diesel engines, dated 10/96.

[d] Equipment-specific emission factors for a Caterpillar 3516B dry engine manifold from Zieglar were used in place of AP-42 default emission factors.

(F). Emission Factors

Emission Factors							
Emission Unit(s)	VOC[a,b] lb/MMBtu	NOx[a] lb/hr	CO[a] lb/hr	PM[a] lb/hr	PM10[c] lb/hr	SO_2[d] lb/hr	HAPs[e,f] lb/hr
EU-01 through EU-04	1.16	37.44	3.05	0.87	0.715	0.911	0.0250

[a] Emission factors were provided by Ziegler for a Caterpillar 3561B dry engine manifold, as stated in the permit application, and are based on 100 percent load.

[b] VOC measured as hydrocarbons.

[c] PM10 is calculated based on the fraction of PM10 in PM (provided in AP-42, Table 3.4-2) multiplied by the emission factor for PM provided by the engine manufacturer.

3.0 APPLICABLE REGULATIONS

(A). Title V Permitting

In accordance with 40 C.F.R. § 71.3(a)(1), all major stationary sources are required to obtain a Title V operating permit. "Major source" is defined in 40 C.F.R. § 71.2 as any stationary source belonging to a single major industrial grouping that directly emits or has the potential to emit 100 tons per year or more of any criteria pollutant. Since this facility has the potential to emit more than 100 tons per year of NOx, it is considered a major stationary source and therefore subject to Title V.

(B). Prevention of Significant Deterioration (PSD)

The EPA issued a PSD permit (permit number PSD-PI-R50003-00-01) allowing the facility to install four internal combustion engines on December 20, 2000.

PSD permit modification number PSD-PI-2704900084-2012-02 modifies PSD permit number PSD-PI-R50003-00-01 by reducing the required frequency of Periodic Performance Testing for NOx emission from three years to five years. In accordance with 40 C.F.R. § 71.6(a)(l), the applicable PSD permit limitations were included in this permit.

(C). 40 C.F.R. Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)

In accordance with 40 C.F.R. § 63.6585, a source is subject to the RICE MACT if it operates a stationary reciprocating internal combustion engine (RICE) at an area source of hazardous air pollutant (HAP) emissions. The facility is an area source for HAP emissions because it emits less than 10 tpy of any single HAP and emits less than 25 tpy of total HAPs. For the purpose of this subpart, each of the four RICE are existing, non-

- 40 C.F.R. § 63.6620(a) applies because each engine must conduct performance tests per 40 C.F.R. §§ 63.6612 and 63.6615. Specifically, this provision references Table 4 to 40 C.F.R. Part 63, Subpart ZZZZ.

- Entries 1 and 3 of Table 4 to 40 C.F.R. Part 63, Subpart ZZZZ apply to the source because the source operates stationary CI RICE and the source has the option to either limit the concentration of CO emissions in the exhaust or reduce CO emissions.

- Entries 3 and 4 of Table 5 to 40 C.F.R. Part 63, Subpart ZZZZ apply because the source operates existing, non-emergency stationary RICE at an area source of HAPs and must comply with either reducing CO emissions or limiting CO concentration in the exhaust.

- 40 C.F.R. § 63.6625(h) applies because the source operates existing stationary engines.

- 40 C.F.R. § 63.6630(a) applies because the source is subject to conditions in Table 5 of Subpart ZZZZ.

- 40 C.F.R. § 63.6640 applies because the source is subject to CO emission or operating limitations per 40 C.F.R. § 63.6603.

- 40 C.F.R. § 63.6645 applies because the source operates an existing stationary RICE at an area source of HAP emissions.

- 40 C.F.R. § 63.6650(a) applies because the source operates existing, non-emergency, non-black start stationary CI RICE of more than 300 HP at an area source of HAP and is subject to a condition in Table 7 of 40 C.F.R. Part 63, Subpart ZZZZ.

- Entry 1 of Table 7 to 40 C.F.R. Part 63, Subpart ZZZZ applies because the source operates existing, non-emergency, non-black start stationary CI RICE of more than 300 HP at an area source of HAP.

- 40 C.F.R. § 63.6655 applies because the source must comply with emission and operating limitations.

- 40 C.F.R. § 63.6660 applies because the source must maintain any records for expeditious review per 40 C.F.R. § 63.10(b) (1).

- 40 C.F.R. § 63.6675 applies because it contains definitions of specific terms used in Subpart ZZZZ.